

**EXECUTIVE DEPARTMENT**  
**STATE OF CALIFORNIA**

**EXECUTIVE ORDER TO  
END PREFERENTIAL TREATMENT AND TO PROMOTE  
INDIVIDUAL OPPORTUNITY BASED ON MERIT**

**EXECUTIVE ORDER W-124-95**

**WHEREAS**, basic fairness is at the core of the American dream and the American character; and

**WHEREAS**, it is government's duty to promote the belief that Americans who work hard and play by the rules can, on the basis of their individual merit, win for themselves and their families the deserved rewards of excelling in an honest, competition for a job, for a contract, or for a place in an institution of higher education; and

**WHEREAS**, government must promote equal opportunity regardless of race or gender; and

**WHEREAS**, we must have zero tolerance for discrimination of any kind and must vigorously and conscientiously enforce the laws that protect against discrimination to achieve our goal of a truly color-blind society; and

**WHEREAS**, numerical quotas for hiring and contracting processes merely replace one form of discrimination with another; and

**WHEREAS**, the continuation of race- and gender-based preferential treatment programs which benefit an individual who has not suffered discrimination at the expense of an individual who has not engaged in discrimination is divisive, inconsistent with the principle of basic fairness, and fundamentally wrong; and

**WHEREAS**, state government must award contracts and make hiring decisions on the basis of merit to the maximum extent allowable by law; and

**WHEREAS**, state governmental programs and practices which grant special preference based on race and gender in employment and contracting (hereinafter referred to as "preferential treatment") have expanded beyond even the requirements of current law;

**NOW, THEREFORE, I, PETE WILSON**, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

1. Executive Orders R-34-71, B-85-81, and D-20-83 are repealed in their entirety.
2. No state agencies, departments, boards, or commissions shall discriminate in employment on the basis of race, gender, creed, color, religion, national or ethnic origin, age, marital status, or physical or mental disability.
3. To ensure equal opportunity, all state agencies, departments, boards, and commissions shall take appropriate measures to ensure that qualified applicants are recruited from all segments of the relevant work force and shall monitor their hiring practices to assure that they are operating in a non-discriminatory manner and without any barriers to equal opportunity.

4. To the maximum extent allowable by law, decisions in public employment and contracting shall be based upon merit.
5. In the interest of promoting an equal opportunity and truly color-blind society and eliminating excessive state regulations and requirements, the following actions shall be taken immediately by state agencies, departments, boards, and commissions to the maximum extent allowable by law:
  - (a) eliminate all state preferential treatment requirements that exceed federal statutory or regulatory, or state statutory requirements, including but not limited to those concerning hiring and layoffs and state contractors or grantees;
  - (b) terminate any consultant contracts, disband any advisory committees, and abolish any performance recognition awards, where those contracts, advisory committees, and recognition awards foster or encourage preferential treatment;
  - (c) quantify and report to the Governor within 75 days the cost to state taxpayers of implementing federal and state requirements, which grant preferential treatment; and
  - (d) draft 1995/96 state employment goals and timetables required by the Government Code so as to be based on the employment pool possessing the necessary qualifications for the particular job classification at issue, rather than on general work force parity.
6. The State Personnel Board is directed to re-examine current regulations implementing state preferential treatment employment statutes. In promulgating further regulations, the Board shall limit the scope of such regulations to the extent compelled by law, and in that connection, appointment and layoff processes which grant preferential treatment based on race or gender should be eliminated except to the extent compelled by law.
7. State Constitutional Officers, the University of California, the California State University, the California Community Colleges, the State Board of Education and state agencies, departments, boards, and commissions not directly under the authority of the Executive Branch are requested to take all necessary action to comply with the intent and the requirements of this executive order.
8. Nothing in this executive order shall be construed to require an action that would result in a violation of a court order or a loss of federal funding.

**IN WITNESS WHEREOF** I have hereunto set my hand  
and caused the Great Seal of the State of California to  
be affixed this 1st day of June 1995.

Governor of California

**ATTEST:**

Secretary of State